

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

**Application No.** : 10/521,461  
**Filed** : January 18, 2005  
**Applicant** : Javier BARTROLI ORPI  
**TC/A.U.** : 1625  
**Examiner** : Taofiq A. Solola  
**Docket No.** : 3494-106  
**Confirmation No.** : 2242  
**Customer No.** : 06449

**PETITION TO CORRECT PATENT TERM ADJUSTMENT**

Director of the United States Patent  
and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Applicants re-submit their request that the Office revise the Patent Term Adjustment (PTA) calculated in connection with the above-identified U.S. patent application. The applicants previously submitted this petition on June 5, 2009, at the time the issue and publication fees were paid. Since a Request for Continued Examination had earlier been filed and any additional accrual of days for patent term adjustment, therefore, had closed, it was believed that Applicants were required to submit their request by the time the issue fee was paid. This petition was dismissed as premature on August 12, 2009. Since the patent application issued on September 15, 2009 as U.S. Patent 7,589,125, the petition is herewith re-submitted.

The number of days calculated by the Office on the Notice of Allowance and Issue Notification was 260 days. However, in view of the recent decision in *Wyeth v. Dudas*, the Applicants believe that they are entitled to additional PTA. Specifically, the PTA should be based on the number of days beyond 14 months before applicant received a first office action plus the number of days that pendency exceeded three years, minus any overlap between the two periods.

Filing date = 1/18/05

14 month date = 3/18/06

First Office Action = 6/5/07

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